

August 31, 2021

BY ECF

The Honorable Ann M. Donnelly
United States District Judge
Eastern District of New York
25 Cadman Plaza East
Brooklyn, New York 11201

Re: U.S. v. Bryan Cho, 21 Cr. 040 (AMD) (E.D.N.Y.)

Dear Judge Donnelly:

We represent Bryan Cho, who is currently scheduled to be sentenced by Your Honor on September 17, 2021. We write in response to the government's request for an adjournment of Mr. Cho's sentencing until after the conclusion of the trial in *United States v. Robert Kelly*, No. 19-286 (S-3) (AMD). Dkt. 40. For the reasons set forth in our August 29, 2021 letter (Dkt. 41 at 1) and during the plea proceeding (Tr., Jun. 4, 2021 Plea Hr'g at 25-27), the defense wishes to move forward with sentencing as expeditiously as possible. However, in light of documents recently received by the government and provided to the defense (*see* Dkt. 40 at 2), as well as the government's representation that the *Kelly* trial may continue through the end of September, the defense does not object to a brief adjournment of the sentencing to a date certain during the week of October 4, 2021.

We do, however, object to an adjournment beyond the first week in October. This case has been pending for more than seven months. Mr. Cho pled guilty in June 2021, and the Presentence Investigative Report was distributed almost six weeks ago, on July 21, 2021.¹ And, although the government contends that Mr. Cho will not be prejudiced by an adjournment (Dkt. 40 at 2), additional time in the Metropolitan Detention Center poses significant risks to Mr. Cho's health and safety (*see, e.g.*, Tr. Dkt. 41 at 1; Tr., Jun. 4, 2021 Plea Hr'g at 25-27).

¹ Moreover, although AUSA Geddes is currently on trial before Your Honor, the other assigned prosecutor is not, and his potential October trial "may be adjourned due to another trial scheduled to commence the same date." Dkt. 40 at fn. 1.

For these reasons, the defense consents to an adjournment of Mr. Cho's sentencing to a date during the week of October 4, 2021. The defense objects to an adjournment beyond that week.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Marshall L. Miller", with a long horizontal flourish extending to the right.

Marshall L. Miller
Shawn G. Crowley
Andrew Chelsey